

Application No.: 09/534,814Docket No.: 2328-023RI**REMARKS**

The Office Action of January 19, 2006 has been carefully studied.

Applicant traverses the rejection of claims 39-58 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The Office Action states that Applicants have not pointed out where the application provides a basis for the claimed subject matter of claims 39-58. In fact, the Appeal Brief includes two tables that go into great detail as to where the claimed subject matter appears in the application as filed. The Office Action also does not provide sufficient weight to the Declaration that Roger Patrick signed and is of record.

The Bignell citation provides further evidence to support Applicants position concerning the rejection under 35 U.S.C. §112, paragraph 1. Bignell discloses a helical coil, wherein the turns of the coil, at the coil ends, are closer together than the turns of the coil in the center part of the coil. Bignell explains that such a relationship causes the same type of magnetic flux to be produced as is recited in the claims that are rejected under the written description requirement of 35 USC 112, paragraph 1. Therefore the rejection of claims 39-58 is not consistent with the Examiner's position regarding the written description requirement, and withdrawal of the rejection of claims 39-58 under 35 U.S.C. §112, first paragraph, is in order.

The rejection of claims 39 and 45 as being anticipated by Bignell U.S. Patent 3,586,905 is obviated by the present amendment. Claims 39 and 45 are now respectively directed to a plasma processor and a coil therefore, wherein the processor is arranged for treating a work piece, and comprises a low pressure chamber including a workpiece holder for holding a work piece

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adapted to be located on the holder in the chamber. The Bignell device is concerned with a plasma arc gas heater of the type used in plasma torches. As such, it does not include a chamber adapted to have a work piece located therein, or to include a workpiece holder.

Applicant traverses the rejection of claims 1-58 under the doctrine of obviousness-type double patenting based on the commonly owned Holland et al. U.S. Patent No. 6,268,700. The application that matured into the Holland et al. patent was filed September 16, 1997, more than two years subsequent to the July 27, 1995 filing date of the application on which the present reissue application is based. Consequently, the Examiner's position regarding double patenting is completely erroneous. The claims of the Holland et al. patent can not be the basis for double patenting, because the Holland et al. application was filed much later than the present application, and the claims of the Holland et al. patent are narrower than the claims of the present application. Based on the Examiner's theory, any improvement patent with claims narrower than those of an earlier filed application with broader claims can be a basis for a double-patenting rejection. This can not be the law. Citation in support of the Examiner's position in the current fact situation is in order.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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